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Estates: Facts About Vehicle Title Transfers

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**George H. Ryan
Secretary of State**

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Transferring Titles

Upon the death of a vehicle owner, the procedure for transferring the vehicle title depends on whether the title was in the individual name of the decedent or in joint ownership. If the title was in the decedent's name only, the procedure depends on whether the decedent's estate is being probated. **If you have further questions after studying the following procedures, you may call the Mail-In Title Audit Section at (217) 782-2924.**

TITLE REGISTERED IN THE INDIVIDUAL NAME OF DECEDENT

PROBATED

If probated, regardless of whether title is being transferred to a buyer from the estate or whether it is being transferred to an heir or legatee of the decedent, the Office of the Secretary of State requires the following documents in order to transfer title:

1. Certified copy of **letters of administration** or **letters testamentary** showing the name of the legal representative of the estate.
2. **Decedent's title**, assigned by the legal representative of the estate to the buyer.
3. A completed **Application for Title and Registration** (VSD-190). If the vehicle will not be operated, the buyer may obtain only a title by using an **Application for Title** (VSD-330). *The current odometer reading must be indicated on the application used, including the proper box checked.*

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4. The **appropriate \$13 title fee and any applicable registration fees** as specified on the application, made payable to the Secretary of State. DO NOT SEND CASH.
5. **Proof of compliance with the Vehicle Use Tax** (RUT-50) and appropriate taxes as specified on the form, made payable to the Illinois Department of Revenue but submitted along with the above to the Office of the Secretary of State.

SMALL ESTATE

If decedent's estate is not being probated, and the value of the personal estate does not exceed \$50,000, then the **Small Estate Affidavit procedure** applies and the following documents must be furnished to this office:

1. **Small Estate Affidavit** describing the vehicle by **year, make and vehicle identification number**. The affiant does not have to be an heir or legatee. If there is a will, a **certified copy** must be submitted.
2. The **decedent's title**, which does not need to be assigned.
3. A copy of the **death certificate or abstract**.
4. A completed **Application for Vehicle Title and Registration** (VSD-190). If the vehicle will not be operated, the buyer may obtain only a title by using an **Application for Title** (VSD-330). *The current odometer reading must be indicated on the application used, including the proper box checked.*
5. The **appropriate \$13 title fee and any applicable registration fees** as specified on the application, made payable to the Secretary of State. DO NOT SEND CASH.
6. **Proof of compliance with the Vehicle Use Tax** (RUT-50) and appropriate taxes as specified on the form, made payable to the Illinois Department of Revenue but submitted along with the above to the Office of the Secretary of State.

ATTORNEY'S AFFIDAVIT

If the estate is not being probated, and if the Small Estate Affidavit procedure is not applicable or appropriate for any reason, then the transfer may be accomplished by the **Attorney's Affidavit procedure** described in the *Illinois Compiled Statutes*, 625 ILCS 5/3-114. The following documents must be furnished to this office:

1. **Attorney's Affidavit** on the attorney's letterhead, stating:
 - (a) The name and last address of the decedent.
 - (b) The date of death.
 - (c) The year, make and vehicle identification number (VIN) of the vehicle.
 - (d) To whom the vehicle is being transferred and the relationship to decedent, if any.
 - (e) Any other pertinent facts relating to the transfer of the vehicle.
2. A copy of the **death certificate or abstract**.
3. The **decedent's title**.
4. A completed **Application for Vehicle Title and Registration** (VSD-190). If the vehicle will not be operated, the buyer may obtain only a title by using an **Application for Title** (VSD-330). *The current odometer reading must be indicated* on the application used, including the proper box checked.
5. The **appropriate \$13 title fee and any applicable registration fees** as specified on the application, made payable to the Secretary of State. DO NOT SEND CASH.
6. **Proof of compliance with the Vehicle Use Tax** (RUT-50) and appropriate taxes as specified on the form, made payable to the Illinois Department of Revenue but submitted along with the above to the Office of the Secretary of State.

JOINT OWNERSHIP

A title in the names of two or more persons is considered to be in **joint tenancy**. Upon the death of one of them, the surviving joint tenant(s) becomes the owner(s) of the vehicle by operation of law. Within 120 days after the decedent's death, the surviving joint owner(s) must apply for title in their own name(s) unless transferring title to someone else. In either event, the following documents must be furnished to this office.

IF APPLICANT IS THE SURVIVING JOINT OWNER:

1. A copy of the **death certificate or abstract**.
2. The **original title** (*jointly owned*) must be surrendered and need not be assigned.
3. An **Application for Title** (VSD-330), marked corrected, in order to have the decedent's name removed from the title. *The current odometer reading must be indicated on the application, including the proper box checked.*
4. If applicant plans to operate the vehicle, then, in addition to applying for a **corrected title**, applicant should also submit an **Application for Vehicle Title and Registration** (VSD-190) to correct the registration. A current registration thus can be assigned to the surviving joint owner.
5. The appropriate **\$13 title fee** and, if applicable, **\$2 corrected registration fee** must be paid.

IF SURVIVING JOINT OWNER IS TRANSFERRING TITLE TO ANOTHER INDIVIDUAL:

1. A copy of the **death certificate or abstract**.

2. The **original title** (*jointly owned*) must be properly assigned by the surviving owner(s) transferring the vehicle to the buyer. The current odometer reading must be certified on the assignment of title if a space is provided.
3. Buyer must submit the **assigned title** and completed **Application for Vehicle Title and Registration** (VSD-190). If the vehicle will not be operated, the buyer may obtain only a title by using an **Application for Title** (VSD-330). *The current odometer reading must be indicated on the application, including the proper box checked.*
4. The **appropriate \$13 title fee and any applicable registration fees** as specified on the application, and made payable to the Secretary of State. DO NOT SEND CASH.
5. **Proof of compliance with the Vehicle Use Tax** (RUT-50) and appropriate taxes as specified on the form, made payable to the Illinois Department of Revenue but submitted along with the above to the Office of the Secretary of State.

What If Title is Lost?

If **title** is lost, it is not necessary to apply for a **duplicate title** in any of the situations previously outlined.

However, in each case, an **affidavit** must be made indicating the title has been lost and a statement submitted explaining the transfer of the vehicle.

In those cases where the **Small Estate Affidavit** or **Attorney's Affidavit** procedure is applicable, the statement about the lost title may be included in such **affidavit**. In those cases where the let-

ters of administration procedure is applicable, a statement must be included concerning the lost title. The statement must state the vehicle year, model, vehicle identification number and the new buyer's name, if applicable, and be signed by the executor.

Title and Registration Fees

1. **Title Fee** is \$13 in all cases, except Salvage Certificates - \$3 and Junking Certificates - no fee. (NOTE: Salvage and Junking titles do have limitations.)
2. Surviving joint owners and surviving spouses need not pay vehicle registration fees until the current registration expires. If the surviving spouse is not listed as a joint owner on the decedent's title, and a corrected registration identification card is requested, a copy of the **death certificate** is required to show the marital relationship. The fee for a corrected card is \$2. All other buyers must apply for registration in their name upon transfer of the vehicle if it will be operated.
3. Title and registration fees may be combined in **one check** or **money order** made payable to the Secretary of State. DO NOT SEND CASH.

Payment of Casual Sales Tax or Exemptions

The transfer of a motor vehicle involving an estate (excluding transfers involving joint owners or surviving spouse) is subject to a Motor Vehicle Use Tax. A *RUT-50 tax form must be completed in all cases except a joint owner.* Taxes as specified on the form must be made payable to the Illinois Department of Revenue but submitted with the above forms to the Secretary of State's office.



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If you have any further tax questions after studying the RUT-50 form, please call the Illinois Department of Revenue at (800) 732-8866 or (217) 782-3336.

Where to Apply

Title applications may be obtained from most Secretary of State vehicle or driver services facilities in Illinois, or by writing to:

VSD Forms Distribution
3701 Winchester Road
Springfield, IL 62707

or you may call the toll-free number, (800) 252-8980. Cook County residents may call (312) 793-1010.

Application may be made in person at any of the following:

- Most Secretary of State driver services facilities
- Secretary of State vehicle services facilities in Springfield:
 - Howlett Building at
501 S. 2nd St. or
 - 2701 S. Dirksen Parkway
- Any of the four Secretary of State branch offices in Chicago:
 - 100 W. Randolph
 - 5401 N. Elston
 - 9901 S. King Drive
 - 5301 W. Lexington

Properly completed applications may be mailed, with any required documents and check, draft or money order, to:

Office of the Secretary of State
Mail-In Title Audit Section
Room 628 Howlett Building
501 S. 2nd St.
Springfield, IL 62756

Applications will be returned if information or fee is insufficient to process.

<http://www.sos.state.il.us>

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